

Appl. No. 10/724,320
Amdt. dated January 20, 2005
Reply to Office action dated October 20, 2004

Docket No. 59124-010201

REMARKS

Examination of the present application is to be based on claims 1, 4-11, 14-18 and 20-24.

The office action of October 20, 2004 and the art relied on by the Examiner have been carefully examined.

I. Claim Rejections – 35 USC §112

In the Action, the Examiner rejects claims 6, 11, 14-18, 20, 23 and 24 under 35 USC §112, second paragraph.

The Applicant has amended the claims to introduce appropriate modifications and submits that the amended claims overcome the objections of the Examiner.

The Applicant also submits that amendments to the claims responsive to the rejections under 35 USC §112, second paragraph, have been introduced for clarity purposes only and that no limitations have been introduced into the claims in order to respond to the rejections under 35 USC §112, second paragraph.

II. Amendments to the claims

Claim 1 has been amended to include the wording "*...teaching a child how to manipulate the fastening devices by relating the story in a selected media...*"

Support for this language can be found for example in paragraph [0005] and [0022] of the specification.

Claim 11 has been amended to replace the wording "*...and a selected media for relating the story, the media for relating the story being at least one of a book, television or radio rendition, movie, video, cards or other tools and devices used to facilitate learning...*" with the wording "*...and a selected media for relating the story...*"

Support for this wording can be found, for example in paragraph [0005] of the specification.

The Applicant submits that no new matter has been added.

III. Claims rejections - 35 USC §103(a)

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In the Action, the Examiner rejects old claims 1, 4-11, 14-18 and 21-24 under 35 USC § 103(a) as unpatentable over US 6,698,117 to Stefany. The Applicant respectfully disagrees and submits that claims 1, 4-11, 14-18 and 21-24 are patentable over Stefany for the reasons that follow.

Method claims 1, 4-10, 21-24

1.

Independent claim 1 recites: "*A method of facilitating childhood learning comprising: ... teaching a child how to manipulate the fastening devices by relating the story in a selected media.*" (Emphasis added).

In the Action, the Examiner states that: "Stefany does not disclose the use of the system to teach children how to use fastening devices" (see Action page 3, lines 11-12).

The Applicant agrees with the Examiner and submits that as a consequence Stefany does not disclose "[a] method of facilitating childhood learning comprising: ... teaching a child how to manipulate the fastening devices by relating the story in a selected media " of claim 1.

Additionally, the Applicant draws the Examiner's attention to the fact that the "greeting card" of Stefany is for "...providing for the long term remembrance of the sender" or to "stimulate sales of greeting cards so that ornaments/charms can be collected to adhere to the fashion accessory received with the first card" (see Stefany abstract lines 1-2 and 6-9).

Therefore, in Stefany the attention of the user is drawn to the "remembrance of the sender" or to the "ornament/charmes" to be collected by the user and not on "fastening devices" and, *a fortiori*, not on "...how to manipulate the fastening devices ".

Therefore, the Applicant submits Stefany not only does not disclose the above recited feature but also teaches away from "[a] method of facilitating childhood learning comprising: ... teaching a child how to manipulate the fastening devices by relating the story in a selected media." (Emphasis added)

Additionally, it should be noted that the limitation "teaching a child how to manipulate the fastening devices" is now positively recited as a method step and must be taken into consideration when assessing patentability of claim 1 over the cited art.

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2.

Independent claim 1 also recites "...modifying the shape of the fastening devices to give the fastening devices an appearance of characters to be portrayed in a story..." (Emphasis added).

In the Action, the Examiner states that, in Stefany, "... an ornament 13 [...] is used to modify the appearance of a fastening device...." (see Action page 2 lines 15-16).

Accordingly, even accepting, for the sake of the argument, the Examiner's line of reasoning, the appearance of a fastening device in Stefany is modified by providing an ornament 13 in addition to the fastening device, and not by "modifying the shape of the fastening devices". On the contrary, since in Stefany the appearance of the fastening devices is modified by the application of an ornament and therefore of an element external to the fastening device, following the Examiner's line of reasoning, Stefany not only does not disclose, teaches or suggest the above recited feature, but also teaches away from *[a] method... comprising: modifying the shape of the fastening devices*".

Hence the Applicant submits that claim 1 is patentable over Stefany, together with claims 4 to 11 at least by virtue of their direct or indirect dependency on claim 1.

System claims 11, 14-18

3.

Independent claim 11 recites: "*A system comprising: a group of fastening devices ... and a selected media ..., wherein association between the fastening devices and the media facilitates childhood learning on how to manipulate the fastening devices.*" (Emphasis added)

Similarly, independent claim 18 recites: "*A system comprising: fastening devices ... and a media, ... wherein association between the fastening devices and the media facilitates childhood learning on how to manipulate the fastening devices.*" (Emphasis added)

The Applicant submits that claims 11 and 18 are patentable over Stefany for substantially the same reasons reported in section 1 above.

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4.

Independent claim also 11 recites "*A system comprising... fastening devices having an appearance of characters to be portrayed as characters in a story...*" (Emphasis added)

Similarly, independent claim 18 recites: "*A system comprising... fastening devices having an appearance of characters...*" (Emphasis added)

The Applicant submits that claims 11 and 18 are patentable over Stefany for substantially the same reasons reported in section 2 above.

With reference to the Examiner's observation reported on section 2 above, we additionally submit that in the system of Stefany, according to the Examiner, the fastening device does not have the appearance of a character so that the fastening device must be modified by the addition of the ornament 13 to have the appearance of a character. Therefore, Stefany not only does not disclose teach or suggest the above recited feature, but also teaches away from "*A system comprising... fastening devices having an appearance of characters...*" (Emphasis added)

5.

Claims 14-17 and 20 are patentable in view of their direct or indirect dependency on claims 11 or 18.

* * *

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should matters remain which the Examiner believes could be resolved in a further telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.


The Applicant believes that no fee is due for the submission of the present paper. However, the Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that the Attorney Docket Number is referred to when charging any payments or credits for this case.

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Respectfully submitted,

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Enrica Bruno
Reg. No. 56,149

Customer Number 33717
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7703
Fax: (310) 586-0203
E-mail: brunoe@gtlaw.com